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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/039,176	03/13/1998	CAROL MARY RINES		9263

7590 09/27/2004

RINES AND RINES
81 NORTH STATE STREET
CONCORD, NH 03301

EXAMINER

DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/039,176

Applicant(s)

RINES ET AL.

Examiner

David D. Davis

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-20, 22, 23, 25, 27, 28, 30-33, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14, 16-20, 22, 23, 25, 27, 28, 30-33 and 36-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 14,16-20,22,23,25,27,28,30-33 and 36-37 are 103(a) as being unpatentable over Ishikawa et al (US 4,698,838) in view of Dubus (US 4,731,811). Ishikawa et al shows in figure 1 steering wheel region 4 and vehicle cellular radiotelephone 2 for use by a driver in a vehicle.

Ishikawa et al is silent, however, as to a voice controlled switching mechanism programmed with and responsive to a plurality of pre-designated separate voice commands for operation of an "entertainment deck" and cellular radio telephone.

Dubus shows in figures 1-3 voice controlled switching mechanism 2 and 3 programmed with and responsive to a plurality of pre-designated *separate* voice commands for operation of "entertainment deck" 8 and 9 and cellular radio telephone 12. See column 4, lines 56 through column 5, line 15.

It would have been obvious to a person having ordinary skill in the art the time the invention was made to provide the cellular radio telephone in the steering wheel of Ishikawa et al with a voice controlled mechanism as taught by Dubus. The rationale is as follows: one of ordinary skill in the art at the time the invention was made would have been motivated to provide a cellular radio telephone in a steering wheel with a voice controlled mechanism to provide a hands-free telephone system. See column 1, line 40 through line 5 of column 2.

Response to Arguments

Applicants' arguments filed March 3, 2004 have been fully considered but they are not persuasive. Applicant asserts in the first full paragraph on page 10 the following:

If Dubus wants to use the "radio 9" for conventional entertainment listening of received radio broadcasts, this certainly can be done, but not at the same time tuner amplifiers are being used for the radio telephone usage described and intended in Dubus.

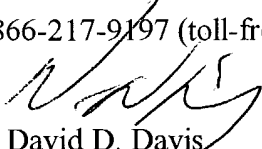
Applicant's assertion is moot because the claims do not require the telephone and the radio to be used at the same time. Applicant also asserts on page 10 that there is not a separate command for radio or dictation recorder. In column 4, lines 44-47 and shown in figure 2 Dubus states and shows the main interface 6 that includes separate switching units, which are for the radio (tuner) and the dictation recorder (scratchpad) and the telephone. "These units, which are apart of interface 6 of FIG. 1 are controlled by control and . . . correspond to connection 25". See column 3, lines 54-58. Connection 25, as shown in figure 1 comes from CPU 4 and Speech Recognition System 3. Therefore, contrary to applicant's assertion, there is separate commands for the radio (tuner) and the dictation recorder (scratchpad) and the telephone as taught by Dubus.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is (703) 308-1503. The examiner can normally be reached on Monday thru Friday between 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David D. Davis
Primary Examiner
Art Unit 2652

ddd